

Our ref: KON-1807

Client's ref: P6179-001-0000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED  
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In re Application of: H. YANAGISAWA : Art Unit: 1752  
Serial No. : 10/631,910 :  
Filed : July 31, 2003 :  
Title : THERMALLY DEVELOPABLE :  
PHOTOSENSITIVE MATERIAL :  
AND IMAGE FORMING METHOD :

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DECLARATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S i r:

I, Hiroyuki Yanagisawa, hereby declare and say as follows:

1. I presented the Declaration dated December 21, 2004 and January 18, 2006, in this application.
2. I am aware that the Examiner has rejected this application based on a combination of Morita (U.S. 6,958,209) and Yoshioka (US 6,413,712). Morita has been cited to teach the combination of compounds of Formula (A-1) and (A-3) in a photothermographic

material. Tests have been performed and are reported herein to demonstrate that a superior image is produced and the claimed coefficient of determination  $R^2$  is satisfied when the light-sensitive material has a reducing agent of Formula (A-1), a reducing agent of Formula (A-3), and a compound of Formula (A-4) compared to a photothermographic material having compounds of Formula (A-1) and (A-3), without (A-4). These tests were performed by myself or under my supervision and control.

3. Sample G was prepared in accordance with Sample 1 of Table 1 in col. 89 of Morita. Sample G contained a compound of Formula 1-6, which falls within Formula (A-3), and a compound of Formula 1-18, which falls within Formula (A-1).
4. Sample H was prepared in a similar manner to Sample A, except that compound (II-3) in col. 11 of Yoshioka was added in a ratio of 0.02 mol per total mols of the developing agents (1-6 and 1-18). Compound (II-3) falls within the scope of Formula (A-4) of the present application.
5. Samples G and H were exposed and developed in the manner described beginning on page 204, par. 3 of this application. The values  $u^*$ ,  $v^*$  and  $a^*$ ,  $b^*$  were calculated and plotted to determine the regression line and the coefficient of determination  $R^2$  in the manner described beginning on page 206, par. 2 of this application. Samples G and H were anatomically and physically

evaluated in the manner described on page 207, par. 1 of this application. The coefficients of determination  $R^2$  and the evaluation results are shown in the Table attached to this Declaration.

6. As shown in the attached Table, Sample H which had a reducing agent of Formula (A-1), a reducing agent of Formula (A-3), and a compound of Formula (A-4) received a higher anatomical evaluation result and higher physical evaluation result compared to Sample G which did not have a compound of Formula (A-4). In addition, Sample H had a coefficient of determination  $R^2$  within the range claimed in this application, while Sample G had a coefficient of determination  $R^2$  outside the claimed range.
7. I believe that this Declaration demonstrates that a superior image is produced and the claimed coefficient of determination  $R^2$  is satisfied when the light-sensitive material has a reducing agent of Formula (A-1), a reducing agent of Formula (A-3), and a compound of Formula (A-4). I believe that this superiority is surprising and unexpected because the cited references do not teach or suggest that an improved image is produced when a compound of Formula (A-4) are added to a light-sensitive material having a reducing agent of Formulas (A-1) and (A-3). In addition, I believe that this superiority is surprising and unexpected because the cited references do not teach or suggest the criticality of the claimed coefficient of determination  $R^2$ .

It is declared by undersigned that all statements made herein or undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the U.S. Code; and that such willful false statements may jeopardize the validity of this Application or any patent issuing thereon.

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Hiroyuki Yanagisawa

Dated: This day of , 2006.

Attachment

	G	H
R2	0.894	1.000
Image quality		
Anatomical evaluation	78	93
Physical evaluation	79	92
Remarks	Comp.	Inv.

Sample No. 1 in Table 1 of US 6,958,209(Morita)

In Sample No.1 above, Compound (II-J) described in Column 11 of US 6,413,712 (Yoshikoshi) was added in the ratio of 0.02 mol per mol of Developing Agent (being the total of 1-8 and 1-18)

G H